

United States Court of Appeals for the Federal Circuit

2006-1411

O2 MICRO INTERNATIONAL LIMITED,

Plaintiff-Appellee,

v

TAIWAN SUMIDA ELECTRONICS, INC ,

Defendant-Appellant

FILED-CLERK
U.S. DISTRICT COURT
2009 JUN -1 AM 9:48
IX EASTERN-MARSHALL

Judgment

ON APPEAL from the United States District Court for the Eastern District of Texas
in CASE NO(S) 2:03-CV-00007

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

VACATED

ENTERED BY ORDER OF THE COURT

DATED MAR 05 2009



Jan Horbaly, Clerk

ISSUED AS A MANDATE: MAY 29 2009

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UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

By:  Date: 5/29/09

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

2006-1411

O2 MICRO INTERNATIONAL LIMITED,

Plaintiff-Appellee,

v.

TAIWAN SUMIDA ELECTRONICS, INC.,

Defendant-Appellant

Appeal from the United States District Court for the Eastern District of Texas in Case No. 2:03-CV-00007, Judge T. John Ward.

DECIDED: March 5, 2009

Before RADER, PLAGER, and GAJARSA, Circuit Judges.

RADER, Circuit Judge.

In the instant case, a jury in the United States District Court for the Eastern District of Texas returned a verdict finding that Taiwan Sumida Electronics, Inc. ("Taiwan Sumida") contributed to or induced the infringement of claims 1, 2, 9, 12 and 18 of O2 Micro International, Ltd.'s ("O2 Micro's") U.S. Patent No. 6,396,722 ("722 patent"), that the infringement was willful, and that those claims had not been proven invalid. The instant case is a companion case to Monolithic Power Systems, Inc. v. O2 Micro International, Ltd., No. 2008-1128, -1136 (the "MPS case"), decided by this court today. In the MPS case, this court holds that the same claims of O2 Micro's '722 patent are invalid as obvious under 35 U.S.C. § 103.


This court held in Mendenhall v. Barber-Greene Co., 26 F.3d 1573, 1577 (Fed. Cir. 1994) that "once the claims of a patent are held invalid in a suit involving one alleged infringer, an unrelated party who is sued for infringement of those claims may reap the benefit of the invalidity decision under principles of collateral estoppel." (citing Blonder-Tongue Labs., Inc. v. University of Ill. Found., 402 U.S. 313, 350 (1971)). O2 Micro, in a letter to this court, has conceded that the judgment in the instant case cannot be upheld, as per Mendenhall, if this court affirms the invalidity judgment in the MPS case. Because today's judgment of invalidity of the asserted claims of the '722 patent in the MPS case collaterally estops O2 Micro from pursuing infringement claims against Taiwan Sumida based on the same claims of the '722 patent, this court vacates the judgment of the District Court for the Eastern District of Texas.

VACATED

NO COSTS

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